## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

Civil Action Number 4:24-CV-00051-M-RN

CYNTHIA B. AVENS	)
Plaintiff,	) )
<b>v.</b>	) ) MOTION TO SEAL DOCUMENT FILED ) BY PLAINTIFF AT D.E. 57-1
FARIS C. DIXON, JR., DISTRICT	)
ATTORNEY, PITT COUNTY	)
MEMORIAL HOSPITAL, INC., DR.	, )
KAREN KELLY, MEDICAL EXAMINER,	)
JOHN/JANE DOE, and JOHN/JANE DOE,	)
	)
Defendants.	)
	)

Defendant Pitt County Memorial Hospital, Inc. d/b/a ECU Health Medical Center ("ECU Health"), through undersigned counsel, hereby moves and requests that the Court immediately seal the document filed as Exhibit 12 to Plaintiff Cynthia B. Avens' August 5, 2024 Response in Opposition to ECU Health's Motion to Dismiss (the "Draft Settlement Agreement"). (D.E. 57-1.) The Draft Settlement Agreement reflects many of the material terms of an agreement entered into in 2016 by and between ECU Health and Avens. The terms of the Draft Settlement Agreement are confidential, and confidentiality is a material term which served as a primary and critical inducement for the parties to enter into the agreement. Despite several requests by ECU Health, Avens has taken no corrective action to have the Draft Settlement Agreement sealed. Avens should be deemed to consent to the relief sought herein, because it simply enforces the intent she expressed when the agreement was signed.

For the foregoing reasons and for those in the accompanying Memorandum, ECU Health respectfully request that the Court grant this Motion and seal the document filed at D.E. 57-1.

Respectfully submitted this the 28th day of August, 2024.

## **K&L GATES LLP**

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Counsel for Defendant Pitt County Memorial Hospital, Inc.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served upon all counsel of record via the Clerk of Court's ECF system and upon Plaintiff Cynthia B. Avens via U.S. Mail, postage prepaid, at the address listed below, this August 28, 2024:

Cynthia B. Avens 303 Riverside Trail Roanoke Rapids, North Carolina 27870

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/s/ Daniel D. McClurg